

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

769L0151

### SENATE BILL NO. 6

Introduced by: Senators Earley, Adelstein, Apa, Bartling, Greenfield, and Sutton (Duane)  
and Representatives Klaudt, Dennert, Glenski, and Putnam at the request of  
the Special Committee on Appropriations

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the appropriations  
2 process.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 3-8-6.3 be amended to read as follows:

5 3-8-6.3. The Bureau of Finance and Management shall ~~supply upon request~~ submit a state  
6 government full-time equivalent staffing report to the ~~joint committee on appropriations. Such~~  
7 Legislative Research Council at the time that the Governor submits a budget report, as defined  
8 by subdivision 4-7-1(5), to the Legislature. The staffing report shall be submitted within five  
9 ~~working days after the request has been forwarded to the bureau and shall~~ list positions by  
10 funding source and by program consistent with the general appropriations ~~bill~~ act for the current  
11 fiscal year with cumulative summaries by office, division, department, and state government  
12 total. ~~Such~~ The staffing report shall designate employees as classified or unclassified and shall  
13 include the position number, job title, employee type, employee number, pay grade range,  
14 annualized salary, and the occupancy date or vacancy status by position.

15 Section 2. That chapter 4-8 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Any position which has been vacant for twelve months or longer is void. The FTE level, as  
3 specified in the current general appropriations act, for each budget unit, as defined by  
4 subdivision 4-7-1(6), shall be reduced accordingly. The personnel services appropriation, as  
5 specified in the current general appropriations act, for each affected budget unit shall be reduced  
6 by the current level of compensation, as defined by § 3-8-1.13, that was allocated for the voided  
7 position.

8 Section 3. That § 4-8A-6 be amended to read as follows:

9 4-8A-6. All ~~amounts~~ moneys appropriated by the general appropriation act shall be used for  
10 the specific purposes therein provided and no other. All moneys appropriated by the general  
11 appropriations act to a department, institution, commission, agency, board, examining board,  
12 or other unit of government for the purpose of personal services shall be used for that purpose  
13 and may not be used for any other purpose. All moneys appropriated by the general  
14 appropriations act to a department, institution, commission, agency, board, examining board,  
15 or other unit of government for the purpose of operating expenses shall be used for that purpose  
16 and may not be used for any other purpose. Legislative appropriations may not be transferred  
17 from one funding source to another funding source unless approved either by the Legislature  
18 when in session or by the special committee during the legislative interim. The state auditor  
19 shall issue warrants on itemized and approved vouchers filed in ~~his~~ the state auditor's office, but  
20 no warrants ~~shall~~ may be issued to or on behalf of any person, department, or institution, on any  
21 fund in excess of the appropriation specifically made in the general appropriation act, except as  
22 provided by the provisions of this chapter, a special act of the Legislature making a specific  
23 appropriation, an internal service fund created by the Legislature, or a continuing appropriation  
24 from state revenues.

Section 4. That § 4-8A-7 be amended to read as follows:

4-8A-7. Any moneys appropriated in the general appropriation act to the Board of Regents, or the executive branch for operations, maintenance, and repair, and contingency for institutions and programs under their jurisdiction shall be allocated by the board or department heads to the Bureau of Administration or to the expenditure accounts of the institutions to which an allocation of funds is made. Such transfer documents shall be approved ~~by the Bureau of Finance and Management~~ in accordance with § 4-8A-8.

Section 5. That § 4-8A-8 be amended to read as follows:

4-8A-8. Moneys appropriated on a program basis by the ~~General Appropriation Act~~ general appropriations act may be transferred between program accounts within or between programs within departments and bureaus or between departments and bureaus to reflect a reorganization, pursuant to Article IV, section 8 of the South Dakota Constitution, only at the written request of a governing body, department secretary, or bureau commissioner, or designee, in accordance with procedures established by the Bureau of Finance and Management and only upon written approval of the Bureau of Finance and Management. Transfer of moneys appropriated by the ~~General Appropriations Act~~ general appropriations act between departments, institutions, and bureaus that is not necessary for a reorganization, pursuant to Article IV, section 8 of the South Dakota Constitution, may only occur at the written request of a governing body, department secretary, or bureau commissioner, or designee, only in accordance with procedures established by the Bureau of Finance and Management and only upon approval by the special committee created in this chapter. Transfer of moneys appropriated on a program basis by the general appropriations act within departments, institutions, and bureaus that is not necessary for a reorganization pursuant to Article IV, section 8 of the South Dakota Constitution may only occur at the written request of a governing body, department secretary, or bureau commissioner,

1 or designee, in accordance with procedures established by the Bureau of Finance and  
2 Management and upon written approval of the Bureau of Finance and Management so long as  
3 the requested transfer is not more than five percent of a cumulative change from the original  
4 appropriated amount for any program affected by the transfer. Requests for transfers greater than  
5 a five percent cumulative change shall be approved by the special committee. The Bureau of  
6 Finance and Management shall keep a record of all such authorizations of transfers and make  
7 ~~them~~ the record available for public inspection. The bureau shall also submit an informational  
8 report detailing all approved transfers ~~approved~~ that are five percent or less of a cumulative  
9 change to the special legislative committee established in § 4-8A-2.